

1 Jeffrey I. Hasson  
2 Attorney at Law  
3 Davenport & Hasson, LLP  
4 12707 NE. Halsey Street  
5 Portland, OR 97230  
6 Phone: (503) 255-5352  
7 Facsimile No.: (503) 255-6124  
8 E-Mail: [hasson@dhlaw.biz](mailto:hasson@dhlaw.biz)  
9 Washington State Bar No. 23741  
10 Attorney for National Enterprise Systems, Inc.

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LARRY M. KASOFF, Case No.: 2:10-CV-744-RSM  
Plaintiff,  
vs.  
NATIONAL ENTERPRISE SYSTEMS, INC.,  
Defendant.

Defendant National Enterprise Systems, Inc. (“Defendant”), by counsel, states as follows for its First Amended Answer to the Complaint filed against it by Plaintiff Larry M. Kasoff (“Plaintiff”):

**FIRST DEFENSE**

1. Defendant is without sufficient knowledge to form a belief as to the truth of the allegations contained in paragraph 1 of the Complaint, and therefore denies said allegations.

2. Admitted that Defendant is an Ohio corporation licensed as a collection agency in the State of Washington. Defendant further admits that under certain circumstances it may be a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6). Defendant is without sufficient

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NATIONAL ENTERPRISE SYSTEMS, INC.- 1  
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**DAVENPORT & HASSON, LLP**  
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1 knowledge to form a belief as to the truth of the remaining allegations contained in paragraph 2  
2 of the Complaint, and therefore denies said allegations.

3 3. There was no paragraph 3 of the Complaint.

4 4. Admitted that Plaintiff claims a cause of action based upon the Fair Debt  
5 Collection Practices Act (“FDCPA”). All other allegations in paragraph 4 of the Complaint are  
6 denied.

7 5. Admitted that Plaintiff claims a cause of action based upon the Washington  
8 Collection Agency Act (“WCAA”) and the Washington Consumer Protection Act (“WCPA”).  
9 All other allegations in paragraph 5 of the Complaint are denied.

10 6. Admitted that this Court has jurisdiction over Plaintiff’s federal claims pursuant  
11 to 15 U.S.C. § 1692k(d). Defendant is without sufficient knowledge to form a belief as to the  
12 truth of the remaining allegations contained in paragraph 6 of the Complaint, and therefore  
13 denies said allegations.

14 7. Defendant is without sufficient knowledge to form a belief as to the truth of the  
15 allegations contained in paragraph 7 of the Complaint, and therefore denies said allegations.

16 8. Admitted that Plaintiff has a delinquent account with Bank of America.  
17 Defendant is without sufficient knowledge to form a belief as to the truth of the remaining  
18 allegations contained in paragraph 8 of the Complaint, and therefore denies said allegations.

19 9. Defendant is without sufficient knowledge to form a belief as to the truth of the  
20 allegations contained in paragraph 9 of the Complaint, and therefore denies said allegations.

21 10. Admitted that Defendant has not filed a lawsuit against Plaintiff. Defendant is  
22 without sufficient knowledge to form a belief as to the truth of the remaining allegations  
23 contained in paragraph 10 of the Complaint, and therefore denies said allegations.

24 11. Admitted that on March 3, 2010, Bank of America placed a delinquent account  
25 with Defendant. Defendant is without sufficient knowledge to form a belief as to the truth of the  
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1 remaining allegations contained in paragraph 11 of the Complaint, and therefore denies said  
2 allegations.

3 12. Admitted that Bank of America placed a delinquent account with Defendant in the  
4 amount of \$29,545.23. Defendant is without sufficient knowledge to form a belief as to the truth  
5 of the remaining allegations contained in paragraph 12 of the Complaint, and therefore denies  
6 said allegations.

7 13. Admitted that under certain circumstances, Defendant may be a "debt collector"  
8 as that term is defined by 15 U.S.C. § 1692a(6). Defendant is without sufficient knowledge to  
9 form a belief as to the truth of the remaining allegations contained in paragraph 13 of the  
10 Complaint, and therefore denies said allegations.

11 14. Admitted.

12 15. Admitted.

13 16. Admitted.

14 17. Defendant is without sufficient knowledge to form a belief as to the truth of the  
15 allegations contained in paragraph 17 of the Complaint, and therefore denies said allegations.

16 18. Admitted.

17 19. Admitted to the extent the affidavits attached as Exhibit A to the Complaint speak  
18 for themselves. All other allegations in paragraph 19 of the Complaint are denied.

19 20. Admitted.

20 21. Admitted.

21 22. Admitted that Defendant sent Plaintiff a letter on March 4, 2010. Defendant  
22 further admits that the letter and envelope attached as Exhibits B and C to the Complaint speak  
23 for themselves. All other allegations in paragraph 22 of the Complaint are denied.

24 23. Admitted.

25 24. Defendant is without sufficient knowledge to form a belief as to the truth of the  
26 allegations contained in paragraph 24 of the Complaint, and therefore denies said allegations.

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1       25.   Admitted that the letter sent to Plaintiff on March 4, 2010 is associated with  
2 Defendant's letter code 001BOA. Defendant is without sufficient knowledge to form a belief as  
3 to the truth of the remaining allegations contained in paragraph 26 of the Complaint, and  
4 therefore denies said allegations.

5       26.   Defendant is without sufficient knowledge to form a belief as to the truth of the  
6 allegations contained in paragraph 26 of the Complaint, and therefore denies said allegations.

7       27.   Admitted.

8       28.   Defendant is without sufficient knowledge to form a belief as to the truth of the  
9 allegations contained in paragraph 28 of the Complaint, and therefore denies said allegations.

10      29.   Admitted.

11      30.   Defendant is without sufficient knowledge to form a belief as to the truth of the  
12 allegations contained in paragraph 30 of the Complaint, and therefore denies said allegations.

13      31.   Defendant is without sufficient knowledge to form a belief as to the truth of the  
14 allegations contained in paragraph 31 of the Complaint, and therefore denies said allegations.

15      32.   Defendant is without sufficient knowledge to form a belief as to the truth of the  
16 allegations contained in paragraph 32 of the Complaint, and therefore denies said allegations.

17      33.   Defendant is without sufficient knowledge to form a belief as to the truth of the  
18 allegations contained in paragraph 33 of the Complaint, and therefore denies said allegations.

19      34.   Defendant is without sufficient knowledge to form a belief as to the truth of the  
20 allegations contained in paragraph 34 of the Complaint, and therefore denies said allegations.

21      35.   Denied.

22      36.   Defendant is without sufficient knowledge to form a belief as to the truth of the  
23 allegations contained in paragraph 36 of the Complaint, and therefore denies said allegations.

24      37.   Denied.

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1       38.    Admitted that Dantom regularly mails letters on behalf of Defendant. Defendant  
2 is without sufficient knowledge to form a belief as to the truth of the allegations contained in  
3 paragraph 38 of the Complaint, and therefore denies said allegations.

4       39.    Defendant is without sufficient knowledge to form a belief as to the truth of the  
5 allegations contained in paragraph 39 of the Complaint, and therefore denies said allegations.

6       40.    Admitted that the letter mailed March 4, 2010 stated a dollar amount of  
7 \$29,545.23. Defendant denies that it failed to comply with R.C.W. 19.16.250(8)(c). Defendant  
8 is without sufficient knowledge to form a belief as to the truth of the remaining allegations  
9 contained in paragraph 40 of the Complaint, and therefore denies said allegations.

10       41.    Defendant is without sufficient knowledge to form a belief as to the truth of the  
11 allegations contained in paragraph 41 of the Complaint, and therefore denies said allegations.

12       42.    Admitted to the extent that the letter attached as Exhibit B to the Complaint  
13 speaks for itself. Defendant is without sufficient knowledge to form a belief as to the truth of the  
14 remaining allegations contained in paragraph 42 of the Complaint, and therefore denies said  
15 allegations.

16       43.    Defendant is without sufficient knowledge to form a belief as to the truth of the  
17 allegations contained in paragraph 43 of the Complaint, and therefore denies said allegations.

18       44.    Defendant is without sufficient knowledge to form a belief as to the truth of the  
19 allegations contained in paragraph 44 of the Complaint, and therefore denies said allegations.

20       45.    Admitted to the extent that the letter attached as Exhibit B to the Complaint  
21 speaks for itself. All other allegations contained in paragraph 45 of the Complaint are denied.

22       46.    Admitted.

23       47.    Admitted.

24       48.    Admitted.

25       49.    Admitted that on March 4, 2010, Defendant placed telephone calls to Plaintiff at  
26 8:22 a.m. and 1:41 p.m. Pacific Time.

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1 50. Admitted.

2 51. Defendant is without sufficient knowledge to form a belief as to the truth of the  
3 allegations contained in paragraph 51 of the Complaint, and therefore denies said allegations.

4 52. Admitted that Defendant's employee stated her name was "Gina" and that she  
5 worked for "NES" and not "National Enterprise Systems, Inc." as stated on Defendant's  
6 Washington State collections agency license. All other allegations contained in paragraph 52 of  
7 the Complaint are denied.

8 53. Denied.

9 54. Admitted that Defendant's employee stated this was an attempt to collect a debt  
10 and any information will be used for that purpose. Denied that the employee's name was "Jean."

11 55. Admitted that Defendant's employee stated that the amount due was \$29,545.25.  
12 All other allegations contained in paragraph 55 of the Complaint are denied.

13 56. Admitted that Bank of America declared the account "pre-legal." Defendant  
14 denies the remaining allegations contained in paragraph 56 of the Complaint.

15 57. Admitted.

16 58. Admitted.

17 59. Admitted.

18 60. Admitted that RCW 19.16.450 speaks for itself. All other allegations contained in  
19 paragraph 60 of the Complaint are denied.

20 61. Denied.

21 62. Denied that Defendant violated RCW 19.16.250. Defendant is without sufficient  
22 knowledge to form a belief as to the truth of the remaining allegations contained in paragraph 62  
23 of the Complaint, and therefore denies said allegations.

24 63. Defendant is without sufficient knowledge to form a belief as to the truth of the  
25 allegations contained in paragraph 63 of the Complaint, and therefore denies said allegations.

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1       64.   Admitted that Defendant received a letter on March 9, 2010. Defendant is  
2 without sufficient knowledge to form a belief as to the truth of the remaining allegations  
3 contained in paragraph 64 of the Complaint, and therefore denies said allegations.

4       65.   Admitted.

5       66.   Admitted.

6       67.   Admitted.

7       68.   Admitted to the extent the letter Defendant received on March 9, 2010 speaks for  
8 itself. All other allegations contained in paragraph 68 of the Complaint are denied.

9       69.   Admitted.

10      70.   Admitted.

11      71.   Admitted to the extent the letter Defendant received on March 9, 2010 speaks for  
12 itself. All other allegations contained in paragraph 71 of the Complaint are denied.

13      72.   Admitted to the extent the letter Defendant received on March 9, 2010 speaks for  
14 itself. Defendant further admits that it did not respond to the letter. All other allegations  
15 contained in paragraph 72 of the Complaint are denied.

16      73.   Defendant is without sufficient knowledge to form a belief as to the truth of the  
17 allegations contained in paragraph 73 of the Complaint, and therefore denies said allegations.

18      74.   Defendant is without sufficient knowledge to form a belief as to the truth of the  
19 allegations contained in paragraph 74 of the Complaint, and therefore denies said allegations.

20      75.   Admitted that Defendant received a letter on March 15, 2010. Defendant is  
21 without sufficient knowledge to form a belief as to the truth of the remaining allegations  
22 contained in paragraph 75 of the Complaint, and therefore denies said allegations.

23      76.   Admitted to the extent the letter Defendant received on March 15, 2010 speaks for  
24 itself. All other allegations contained in paragraph 76 of the Complaint are denied.

25      77.   Admitted to the extent the letter Defendant received on March 15, 2010 speaks for  
26 itself. All other allegations contained in paragraph 77 of the Complaint are denied.

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1       78.     Admitted to the extent the letter Defendant received on March 15, 2010 speaks for  
2 itself. All other allegations contained in paragraph 78 of the Complaint are denied.

3       79.     Admitted.

4       80.     Admitted.

5       81.     Admitted.

6       82.     Denied.

7       83.     Denied.

8       84.     Denied.

9       85.     Admitted that the Ohio and West Virginia Attorneys General filed lawsuits  
10 against Defendant alleging violations of the FDCPA. All other allegations contained in  
11 paragraph 85 of the Complaint are denied.

12      86.     Denied.

13      87.     Denied.

14      88.     Denied.

15      89.     Denied.

16      90.     Denied.

17      91.     Denied.

18      92.     Denied.

19      93.     Denied.

20      94.     Denied.

21      95.     Denied.

22      96.     Denied.

23      97.     Denied.

24      98.     Denied.

25      99.     Denied.

26     100.     Denied.

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1 101. Denied.

2 102. Denied.

3 103. Denied.

4 104. Denied.

5 105. Denied.

6 106. Denied.

7 107. Denied.

8 108. All other allegations contained in the Complaint which are not otherwise  
9 specifically admitted or denied herein are denied.

10 **ADDITIONAL DEFENSES**

11 109. Plaintiff failed to state a claim upon which relief can be granted.

12 110. Any violation of law, which is specifically denied, was not intentional and  
13 resulted from a bona fide error notwithstanding the maintenance of procedures reasonably  
14 adapted to avoid any such error. Defendant has a written procedure and trains its employees on  
15 the subject of placing telephone calls to collect delinquent accounts. Defendant trains its  
16 employees regarding the name he/she is supposed to use to identify Defendant in connection  
17 with those telephone calls.

18 111. Plaintiff failed to mitigate any damages which he may have suffered, if any.

19 112. At all pertinent times, Defendant acted in good faith reliance on the information  
20 provided by the creditor of the account. Plaintiff's creditor placed the account with Defendant  
21 for collection, identified the account as "pre-legal" and provided the name of the creditor and  
22 amount placed for collection. Defendant used this information in its communications with  
23 Plaintiff.

24 113. All amounts attempted to be collected by Defendant are reasonable and lawful  
25 pursuant to the common law and/or statutory law of Washington.

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Facsimile No. (503) 255-6124

1 WHEREFORE, Defendant requests that this Court dismiss Plaintiffs' Complaint at  
2 Plaintiffs' cost, and that Defendant be awarded reasonable attorney fees and costs as provided for  
3 under applicable law.

4 Dated May 26, 2010.

5 DAVENPORT & HASSON, LLP

6 s/ Jeffrey I. Hasson \_\_\_\_\_  
7 WSBA No. 23741  
Davenport & Hasson, LLP  
12707 NE Halsey St.  
8 Portland, OR 97230  
Telephone: (503) 255-5352  
9 Fax: (503) 255-6124  
E-Mail: [hasson@dhlaw.biz](mailto:hasson@dhlaw.biz)

10 *Attorney for National Enterprise Systems, Inc.*

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FIRST AMENDED ANSWER OF DEFENDANT  
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Portland, OR 97230  
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Facsimile No. (503) 255-6124

**CERTIFICATE OF SERVICE**

I hereby certify that on May 26, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Larry M. Kasoff at [larry.kasoff@gmail.com](mailto:larry.kasoff@gmail.com), and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Dated May 26, 2010.

# DAVENPORT & HASSON, LLP

s/ Jeffrey I. Hasson  
WSBA No. 23741  
Davenport & Hasson, LLP  
12707 NE Halsey St.  
Portland, OR 97230  
Telephone: (503) 255-5352  
Fax: (503) 255-6124  
E-Mail: [hasson@dhlaw.biz](mailto:hasson@dhlaw.biz)

## *Attorney for National Enterprise Systems, Inc.*

**CERTIFICATE OF SERVICE - 1**  
Case No. 2:10-CV-744-RSM

**DAVENPORT & HASSON, LLP**  
Attorneys at Law  
12707 NE. Halsey Street  
Portland, OR 97230  
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Facsimile No. (503) 255-6124